

Chapter

20.01

Ordinance Foundation

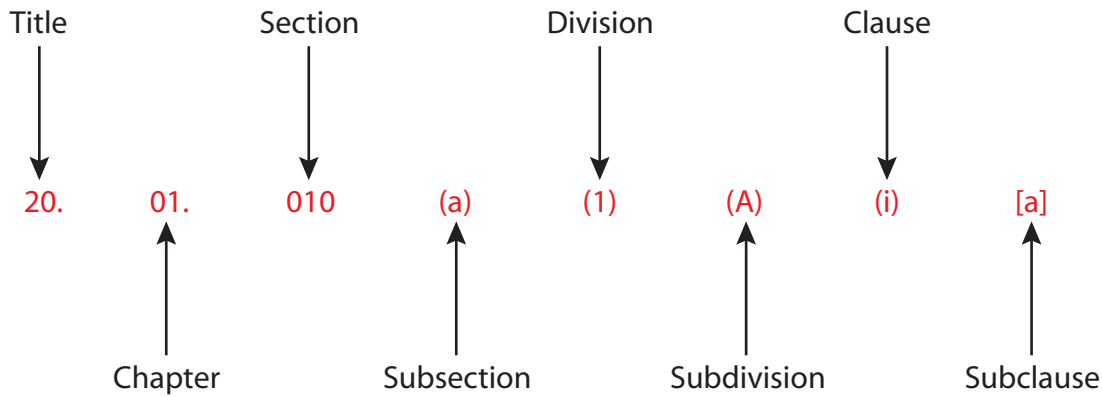
*City of Bloomington
Unified Development
Ordinance*

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Ordinance Structure

Ordinance Structure

The structural hierarchy of the City of Bloomington Unified Development Ordinance generally parallels the rest of the Bloomington Municipal Code (BMC). Within the Unified Development Ordinance, the following nomenclature is used for the various levels:



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Basic Provisions

20.01.010 Title

The ordinance codified in this title shall be known, cited and referred to as the “Bloomington Unified Development Ordinance” and may also be cited or referred to as the “Unified Development Ordinance”, the “Zoning Ordinance”, or the “Subdivision Control Ordinance.”

20.01.020 Authority

This Unified Development Ordinance (UDO) is adopted by the City pursuant to its authority under the laws of the State of Indiana, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of Indiana statutory and common law.

20.01.030 Purpose

This Unified Development Ordinance is adopted for the following purposes:

- (a) To promote the orderly, responsible, and sustainable development and redevelopment of the areas within the planning jurisdiction in accordance with the Growth Policies Plan and its components, including but not limited to the Master Thoroughfare Plan, the Alternative Transportation and Greenways System Plan and the Subarea Plans, which include among others the Downtown Vision and Infill Strategy Plan, along with such additions and revisions as may hereafter be made to such Plans, and with all other City land use policy;
- (b) To promote the public health, safety, morals, comfort, convenience, and general welfare;
- (c) To protect the character and stability of residential, institutional, business, industrial, and natural areas;
- (d) To minimize or avoid congestion in the public streets and to ensure safe, convenient, and efficient traffic circulation;
- (e) To secure adequate light, air, convenience of access, and safety from fire and other danger, which may include providing adequate open spaces for light, air, and outdoor uses;
- (f) To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction;
- (g) To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
- (h) To regulate and restrict the location and intensity of use of buildings, structures and land for trade, industry, residence and other uses;
- (i) To define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this Unified Development Ordinance;
- (j) To establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this Unified Development Ordinance;
- (k) To insure ongoing compliance with the provisions of this Unified Development Ordinance by requiring regular maintenance and replacement, as needed, of required improvements, including but not limited to landscaping;
- (l) To establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;
- (m) To avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services;
- (n) To ensure the provision of drainage facilities, the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding;
- (o) To prevent the pollution of air, water, and soil;
- (p) To ensure that the cost of design and installation of improvements in new, platted subdivisions are borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or the City as a whole;
- (q) To ensure proper legal descriptions, legal recording, and monumenting of subdivided land;
- (r) To otherwise accomplish the purposes of IC 36-7-4: Local Planning and Zoning; and
- (s) To further such other purposes as are stated hereinafter within specific provisions of this Unified Development Ordinance.
- (t) To minimize the negative secondary impacts of sexually oriented businesses by avoiding their undue concentration and by separating them from sensitive land uses.

Basic Provisions

20.01.040 Jurisdiction

This Unified Development Ordinance shall apply to all land, uses, buildings and structures within the incorporated City of Bloomington, and to those areas outside the incorporated City limits over which the City exercises planning, zoning and/or subdivision authority, including but not limited to those areas identified within the Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction, dated March 6, 2002, as such Agreement may hereafter be amended or extended.

20.01.050 General Applicability

- (a) After the effective date of this Unified Development Ordinance, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in accordance with the provisions of this Unified Development Ordinance, except as otherwise hereinafter provided.
- (b) This Unified Development Ordinance shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Bloomington Municipal Code which are necessary for an understanding of *Title 20: Unified Development Ordinance* and the attainment of its purposes.

20.01.060 Repeal of Preexisting Ordinances

The following City ordinances are hereby repealed and are replaced by this Unified Development Ordinance and Official Zoning Map:

- (a) The City of Bloomington Zoning Ordinance of 1995, Ordinance No. 95-21, as amended.
- (b) The City of Bloomington Official Zoning Map of 1995, incorporated in and adopted as a part of Ordinance No. 95-21, as amended.
- (c) The City of Bloomington Subdivision Control Ordinance of 1973, Ordinance No. 73-3, as amended.

20.01.070 Rules of Interpretation

- (a) Minimum Requirements: The provisions of this Unified Development Ordinance shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this Unified Development Ordinance, these provisions shall be held to be the minimum requirements for the protection and the promotion of the public health, safety, morals, comfort, convenience, and general welfare.
- (b) Conflicts or Inconsistency:
 - (1) *Internal*: Unless otherwise specifically stated within this Unified Development Ordinance, and unless the context clearly indicates the contrary, if two or more provisions of this Unified Development Ordinance are in conflict or are inconsistent with each other, then the most restrictive provision shall apply.
 - (2) *Federal, State and Local*:
 - (A) Whenever a provision of this Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal law or regulation, or other County or City ordinance or regulation, the provision of this Unified Development Ordinance shall apply.
 - (B) Whenever a provision of any State or federal law or regulation, or other County or City ordinance or regulation imposes a greater restriction or a higher standard than is required by this Unified Development Ordinance, the provision of the State or federal law or regulation, or other County or City ordinance or regulation shall apply.
 - (3) *Other*: Whenever a private covenant, contract, commitment, agreement, or other similar private land use restriction imposes a greater restriction or a higher standard than is required by a provision of this Unified Development Ordinance, the more restrictive provision shall apply. This section shall not be interpreted to mean that the City is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar restrictions; rather, the City shall make an effort to respect such agreements, and this Unified Development Ordinance shall not have the effect of abrogating or annulling any such private restriction. Where this Unified Development Ordinance imposes a greater restriction or a higher standard than is required by a private covenant, contract, commitment, agreement, or other similar private land use restriction, the provisions of this Unified Development Ordinance shall govern.

Basic Provisions

- (c) Text to Govern: In case of any difference of meaning or implication between the text of this Unified Development Ordinance and any caption, illustration, figure, summary table, or illustrative table, the text shall control.
- (d) Illustrations: All illustrations in the Unified Development Ordinance are intended to help the reader understand terminology and concepts utilized in this ordinance, unless otherwise indicated. Illustrations are not to be interpreted as examples of character or design that must be matched.
- (e) Time Frames: Any time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays, unless stated otherwise. If a time frame ends on a Saturday, Sunday, or holiday on which the City offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within this Unified Development Ordinance.
- (f) Delegation of Authority: If a provision in this Unified Development Ordinance requires the Planning Director or other City official to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.
- (g) Fractions: Where application of a numerical standard results in a fraction, the fraction shall be rounded as follows:
 - (1) Where the standard is a minimum requirement, the fraction shall be rounded up to the nearest whole number; and
 - (2) Where the standard is a maximum allowed or permitted under this Unified Development Ordinance, the fraction shall be rounded down to the nearest whole number.
- (h) Rules of Word Usage: The following rules of word usage apply to the text of this Unified Development Ordinance:
 - (1) The particular shall control the general.
 - (2) The words “shall” and “must” are always mandatory and not discretionary. The words “may” and “should” are permissive.
 - (3) Unless the context clearly indicates otherwise, words used in a specific tense (past, present or future) shall be construed to include all tenses; words used in the singular number shall include the plural, and the plural the singular; and, use of gender-specific pronouns shall be interpreted to include both sexes.
 - (4) A “building” or “structure” includes any part thereof unless the context clearly indicates otherwise.
 - (5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:
 - (A) “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - (B) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (C) “Either...or” indicates that the connected items, conditions, provision, or events shall apply singly but not in combination.
 - (D) The word “includes” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
 - (6) Terms not defined herein shall have the meanings customarily assigned to them in common, ordinary usage, except that legal or technical terms shall be interpreted in their legal or technical sense.
- (i) Material Incorporated by Reference: As required per IC 36-1-5-4, two (2) copies of any material incorporated into the Unified Development Ordinance by reference are on file in the City Clerk’s office for public inspection.

Basic Provisions

20.01.080 Effective Date

This ordinance shall be in full force and effect from and after February 12, 2007 provided, however, *Section 20.05.094 SC-09: Special Conditions; Dwelling, Multifamily*, and *Section 20.05.097 SC-12: Special Conditions; Dwelling, Upper Floor Units*, concerning fire sprinkler requirements for certain residential uses in the Commercial Downtown District, shall not take effect until they are approved by the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security.

20.01.090 Severability

If any of the provisions of this Unified Development Ordinance are declared invalid, the other provisions shall remain in full force and effect.

Transition Rules

20.01.100 Transition Rules; General

In determining the applicability of this Unified Development Ordinance with respect to land, uses, buildings, structures, permits, approvals, and applications for permits or approvals, existing immediately before the effective date hereof, the following rules shall apply.

20.01.110 Uses Rendered Conditional Uses

When a use lawfully existing on the effective date of this Unified Development Ordinance was classified as a permitted use prior to the effective date of this Unified Development Ordinance, and such use is classified as a “Conditional Use” by this Unified Development Ordinance, such use shall be deemed a lawful nonconforming use. Such use may be granted a Conditional Use Permit pursuant to *Section 20.09.150: Conditional Use*, if applicable criteria are met.

20.01.120 Uses Rendered Nonconforming

When a use was lawfully existing as a permitted use on the effective date of this Unified Development Ordinance and this Unified Development Ordinance, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a lawful nonconforming use and shall be subject to the provisions of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*.

20.01.130 Buildings, Structures, and Lots Rendered Nonconforming

Where any building, structure or lot lawfully existing on the effective date of this Unified Development Ordinance does not meet all development standards set forth in this Unified Development Ordinance, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the provisions of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*.

20.01.140 Previously Granted Variances

All variances granted prior to the effective date of this Unified Development Ordinance shall remain in full force and effect subject to the expiration provision in effect at the time the variance was granted and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular variance approval by the approving entity. However, such variance shall apply only to the specific Use Variance or Development Standards Variance granted. Provided, however, in the event of a conflict between this Section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.150 Previously Granted Conditional Use Permits

All Conditional Use Permits granted prior to the effective date of this Unified Development Ordinance shall remain in full force and effect subject to the expiration provisions established in *Section 20.09.150: Conditional Use* of this Unified Development Ordinance and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular Conditional Use approval by the Board of Zoning Appeals. Expansion or change in use shall require compliance with this Unified Development Ordinance. Provided, however, in the event of a conflict between this Section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.160 Previously Granted Special Exceptions

All Special Exceptions granted prior to the effective date of this Unified Development Ordinance shall remain in full force and effect subject to the expiration limitations set forth in the rules under which the Special Exception was established, and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular Special Exception approval by the Board of Zoning Appeals. Expansion or change in use shall require compliance with this Unified Development Ordinance. Provided, however, in the event of a conflict between this section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.170 Previously Granted Certificates of Appropriateness for Properties Designated Historic

All Certificates of Appropriateness granted by the Plan Commission prior to May 1, 1995, shall remain in full force and effect pursuant to the terms of approval set forth in the Plan Commission action, unless such Certificates of Appropriateness have expired pursuant to their terms or pursuant to applicable prior law.

Transition Rules

20.01.180 Previously Approved Planned Developments

An Outline or Preliminary Plan approved under a previous ordinance and retained as a Planned Development on the Zoning Map adopted as part of this Unified Development Ordinance shall constitute an approved Preliminary Plan. A Development or Final Plan approved under a previous ordinance where the Planned Development is retained on the Zoning Map adopted as part of this Unified Development Ordinance shall constitute an approved Final Plan, subject to the expiration provisions in effect at the time of approval. Where an Outline or Preliminary Plan has been approved, but a Development or Final Plan has not been approved, or has been approved but has expired, prior to the effective date of this Unified Development Ordinance, the Final Plan shall require Plan Commission review, unless the Plan Commission, at a public hearing, determines that the staff should review the Final Plan; moreover, such Final Plans shall be subject to the development standards of this Unified Development Ordinance, except to the extent that different development standards were expressly set forth in the approved Outline or Preliminary Plan. Provided, however, in the event of a conflict between this Section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.

20.01.190 Previously Approved Site Plans

- (a) A Site Plan approved prior to the effective date of this Unified Development Ordinance shall remain in full force and effect, such that building and occupancy permits may be issued in accordance with the approved Site Plan, subject to any conditions placed upon such approval and subject to the expiration provisions in effect at the time of approval. Provided, however, any change from the approved Site Plan, including but not limited to, changes in use or development standards, shall be subject to the provisions of this Unified Development Ordinance. Provided, however, in the event of a conflict between this section and *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, the provisions of *Section 20.01.210* shall govern.
- (b) Provided, further, the foregoing shall apply only to fully detailed Site Plans and shall not apply to any portion of a parcel or development not fully detailed and expressly approved, even if shown on such plans.

20.01.200 Previously Approved Subdivisions

Except as otherwise provided by *Section 20.01.210 Effect of Change in the Law after Filing of Complete Application*, Preliminary and Final Plats approved prior to the effective date of this Unified Development Ordinance shall be governed by this Section. A Preliminary Plat and/or Final Plat approved prior to the effective date of this Unified Development Ordinance, whether or not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Final Plats may be recorded as approved; Preliminary Plats shall be entitled to approval of a Final Plat consistent with the Preliminary Plat approval; lots in such subdivisions shall be established in their platted size and configuration as lots of record. Such lots shall be subject to use and development standards of this Unified Development Ordinance, other than minimum lot dimensions.

Transition Rules

20.01.210 Effect of Change in the Law after Filing of Complete Application

- (a) For any application filed with the City prior to March 15, 2006 for any permit or approval listed in *Subsection 20.01.210(b)*, the effect of any change in the applicable law after such application but prior to the grant or denial of the permit or approval sought shall be governed by the transition rules of the prior Zoning Ordinance that was in effect on the date of application.
- (b) Whenever a complete application is filed with the City on or after March 15, 2006 for any of the permits or approvals listed in *Subsection 20.01.210(c)*, the grant or denial of such permit or approval, and the grant or denial of any secondary, additional or related permit or approval required by the City with respect to the general subject matter of the first complete application, shall be governed by the statutes, ordinances, rules, development standards, and regulations applicable to the property in question (hereinafter “Requirements”) that were in effect at the time of the first complete application, for the time periods listed in *Subsection 20.01.210(d)*, notwithstanding any change in such requirements that occurs after such first application but prior to the grant or denial of such permit or approval, except as otherwise provided herein.
- (c) The permits and approvals covered by *Section 20.01.210* are:
 - (1) Certificate of Zoning Compliance (*Section 20.09.220*);
 - (2) Site Plan Review (*Section 20.09.120*);
 - (3) Conditional Use (*Section 20.09.150*);
 - (4) Preliminary Plat (*Section 20.09.180*);
 - (5) Final Plat (*Section 20.09.190*);
 - (6) Grading Permit (*Section 20.09.240*);
 - (7) Planned Unit Development (*Section 20.04.080* and *Section 20.04.090*).
- (d) The requirements in effect at the time of the first complete application for a permit or approval described in *Subsection 20.01.210(b)* shall continue to govern such first complete application and any secondary, additional or related permits described in that subsection for a period of at least three (3) years from the date of the first complete application. If no construction or other activity to which the permit or approval relates is commenced within that three-year period, then thereafter the renewal of any expired permit, and the grant or denial of any new application for any secondary, additional or related permit, shall be governed by then-current regulations if the Planning Director, based upon advice from the Legal Department, determines that such action is lawful and does not deprive the owner or applicant of any vested right. Moreover, if construction or other activity to which the permit or approval relates is not completed within seven (7) years of the date upon which such construction or other activity commenced, then thereafter the renewal of any expired permit, and the grant or denial of any new application for any secondary, additional or related permit, shall be governed by then-current regulations if the Planning Director, based upon advice from the Legal Department, determines that such action is lawful and does not deprive the owner or applicant of any vested right.
- (e) Where a permit or approval is rendered pursuant to *Section 20.01.210*, any construction, use or other activity authorized by such permit or approval shall be treated as lawfully nonconforming to the extent such activity does not conform to the current requirements of this Unified Development Ordinance and shall be subject to the provisions of *Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses*.
- (f) For purposes of *Section 20.01.210*, amendment or modification to an application for a permit or approval shall not constitute a new application unless the changes are such that the proposed activity is substantially greater in scope, complexity or process of review, or otherwise significantly increases the land use issues and impacts that are presented, compared to the original application.

20.01.220 Petitions for Variance or Rezoning (Map Change other than PUD)

Any petition for variance or zoning map change (other than for a PUD designation) for which a full and complete application was properly filed prior to the effective date of this Unified Development Ordinance shall be processed pursuant to the terms and conditions of the Zoning Ordinance that was in effect at the time of filing, provided that the approval is still required under the terms of this Unified Development Ordinance. Provided, other than as specifically set forth in *Section 20.01.220*, the property and the proposal for which variance or map change was sought will be subject to all regulations of this Unified Development Ordinance, unless otherwise required by these Transition Rules or by law.

Zoning Districts

20.01.230 Standard Zoning Districts; Establishment

Each of the standard zoning districts in this Unified Development Ordinance stands alone and is not a part of a hierarchical or pyramidal system of zoning. For example, what is permitted in the RS zoning district is not necessarily permitted in the RC zoning district. Only those uses and development standards that are expressly permitted and noted for each zoning district apply to that zoning district. In addition, accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements. The regulations that apply within each zoning district are set forth in *Chapter 20.02: Zoning Districts* of this Unified Development Ordinance. The following zoning districts are hereby established for the general uses as stated:

- (a) RE; Residential Estate: This zoning district is established for single-family detached homes in a rural or agricultural setting, while protecting sensitive environmental resources.
- (b) RS; Residential Single-family: This zoning district is established for single-family detached homes with medium to large-sized lots.
- (c) RC; Residential Core: This zoning district is established for single-family detached homes with small to medium-sized lots.
- (d) RM; Residential Multifamily: This zoning district is established for medium density residential housing on small to medium-sized parcels.
- (e) RH; Residential High-density Multifamily: This zoning district is established for high density residential housing on larger-sized parcels.
- (f) MH; Manufactured/Mobile Home Park: This zoning district is established for leased lot developments (typically mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.
- (g) CL; Commercial Limited: This zoning district is established for the provision of small scale retail goods and services required for regular or daily convenience of adjacent residential neighborhoods.
- (h) CG; Commercial General: This zoning district is established for medium scale commercial services that create minimal detrimental impacts to the surrounding area.
- (i) CA; Commercial Arterial: This zoning district is established for high intensity commercial developments along major thoroughfares.
- (j) CD; Commercial Downtown: This zoning district is established for the central business district of the community with a variety of uses and intensities.
- (k) IG; Industrial General: This zoning district is established for the provision of basic employment needs of the surrounding region.
- (l) BP; Business Park: This zoning district is established for a mixture of office related uses that provide large scale employment opportunities for the surrounding region.
- (m) IN; Institutional: This zoning district is established for the establishment of public related services, operations, and uses.
- (n) MD; Medical: This zoning district is established to allow hospital uses and associated medical facilities.
- (o) QY; Quarry: This zoning district is established for the retention of existing quarry operations.

20.01.240 Standard Zoning Districts; Labeling

On the Official Zoning Map a standard zoning district shall be labeled using the two-character abbreviation as noted in *Section 20.01.230: Standard Zoning Districts; Establishment*. The following are the appropriate labels for standard zoning districts: RE, RS, RC, RM, RH, MH, CL, CG, CA, CD, IG, BP, IN, MD and QY.

Zoning Districts

20.01.250 Overlay Districts; Establishment

The overlay districts as noted below have been established to add additional and unique development standards which will better help the City accomplish the goals of the Growth Policies Plan. The following overlay districts are hereby established for the general purposes as stated:

- (a) CSO; Courthouse Square Overlay: This district is established to guide both new development and redevelopment activities within the Courthouse Square Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.
- (b) DCO; Downtown Core Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Core Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.
- (c) UVO; University Village Overlay: This district is established to guide both new development and redevelopment activities within the University Village Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.
- (d) DEO; Downtown Edges Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Edges Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.
- (e) DGO; Downtown Gateway Overlay: This district is established to guide both new development and redevelopment activities within the Downtown Gateway Character Areas, as defined in the Downtown Vision and Infill Strategy Plan as the Illinois Central Railroad Gateway and the Seminary Square Gateway and as mapped on the Official Zoning Map.
- (f) STPO; Showers Technology Park Overlay: This district is established to guide both new development and redevelopment activities within the Showers Technology Park Character Area, as defined in the Downtown Vision and Infill Strategy Plan and as mapped on the Official Zoning Map.

20.01.260 Planned Unit Development Districts; Establishment

The provisions of this Unified Development Ordinance allow the establishment of Planned Unit Developments in all zoning districts.

20.01.270 Planned Unit Development Districts; Labeling

On the Official Zoning Map a Planned Unit Development zoning district, once established, shall be labeled “PUD”.

20.01.280 District Land Uses

Land uses may be a permitted or a Conditional Use as listed in each standard zoning district. Only uses indicated as either permitted or Conditional Uses shall be undertaken in that zoning district. Bloomington’s permitted and Conditional Uses for each zoning district are noted in the “Permitted Use” and “Conditional Use” columns in *Chapter 20.02: Zoning Districts*. In addition, accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements.

20.01.290 Unlisted or Questionable Land Uses

Any land use not listed, or that is questionable as to whether it falls within the meaning of a listed permitted or Conditional Use on the two-page layouts in *Chapter 20.02: Zoning Districts*, is not allowed unless determined otherwise, through interpretation of this Unified Development Ordinance pursuant to *Section 20.01.290* (See also *Section 20.09.340: Administrative Interpretations*).

Official Zoning Map

20.01.300 Official Zoning Map

- (a) The location and boundaries of the zoning districts are hereby established on a map entitled “Official Zoning Map,” as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this Unified Development Ordinance. The Official Zoning Map is a geographic coverage layer entitled “Zoning” that is maintained as part of the City’s geographic information system (GIS) under the direction of the Planning Director.
- (b) The Planning Director may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
- (c) Two (2) copies of the Official Zoning Map shall be on file and available for public inspection in the Planning Department.

20.01.310 Designation of Zoning District

The abbreviations for the zoning districts appearing in this Unified Development Ordinance shall be used to identify the zoning districts on the Official Zoning Map. Planned Unit Developments shall be shown on the map by abbreviations as noted in this Unified Development Ordinance.

20.01.320 Regular Revisions

- (a) Only persons authorized by the Planning Director may revise the Official Zoning Map when amendments are passed. Such revisions shall be made as soon as possible after the effective date of the amendment.
- (b) During the time it takes for the formal electronic version of the Official Zoning Map to be reprinted for public display, hand-drawn lines and text on an authorized printed copy of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the Official Zoning Map, but shall not have the effect of amending the Official Zoning Map.

20.01.330 Standards

Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

- (a) Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
- (b) Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or City corporate boundary lines shall be construed as following or paralleling such lines.
- (c) Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- (d) Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
- (e) Any disputes as to the exact zoning district boundaries shall be determined by the Planning Director. The Planning Director may refuse to make a determination when he cannot definitely determine the location of a zoning district boundary. In such cases, the Planning Director shall refer the interpretation to the Plan Commission. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Unified Development Ordinance. All zoning district boundary determinations made pursuant to *Section 20.01.330(e)* may be appealed to the Board of Zoning Appeals.

Official Zoning Map

20.01.340 Overlay District Applicability

The Overlay District boundaries on the Official Zoning Map shall be interpreted as follows:

- (a) An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.
- (b) A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Chapter 20.03: Overlay Districts*.
- (c) A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.

Powers and Duties

20.01.350 Summary of Authority

The administrative and decision making bodies and officials listed herein, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Unified Development Ordinance in the manner described in *Chapter 20.01: Ordinance Foundation*.

20.01.360 Common Council

The Common Council shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance and the applicable provisions of the Indiana Code:

- (a) To initiate, adopt, or reject any amendment to the Official Zoning Map, and to initiate, adopt, amend, or reject any amendment to the text of this Unified Development Ordinance in accordance with IC 36-7-4-600 Series: Zoning Ordinance;
- (b) To adopt; impose reasonable conditions, condition the issuance of a certificate of zoning compliance on the providing of certain assurances, and allow or require the property owner to make written commitments; or reject a Planned Unit Development (PUD) district ordinance in accordance with IC 36-7-4-1500 Series: Planned Unit Development.
- (c) To initiate, approve, amend, or reject proposed amendments to the City's Growth Policies Plan and its components, including but not limited to the Master Thoroughfare Plan and the Subarea Plans;
- (d) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.

20.01.370 Plan Commission

- (a) **Jurisdiction and Authority:** The Plan Commission shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance and the applicable provisions of the Indiana Code.
 - (1) To initiate, hear, review, and certify recommendations to the Common Council on replacement or amendment of the Growth Policies Plan and this Unified Development Ordinance, including the Official Zoning Map;
 - (2) To hear, review, and make recommendations to the Common Council on the PUD District Ordinance and Preliminary Plan for a proposed Planned Unit Development. When stipulated by the Plan Commission at the time of preliminary approval, to review and approve the Final Plan for a Planned Unit Development;
 - (3) To authorize a Hearing Officer pursuant to IC 36-7-4-923, and to establish rules prescribing and limiting the authority and procedures therefor pursuant to IC 36-7-4-923 and IC 36-7-4-924;
 - (4) To hear, review, and make recommendations to the Board of Zoning Appeals on Use Variance petitions involving multifamily or nonresidential uses.
 - (5) To review and approve or disapprove Site Plans and amendments to Site Plans, as required pursuant to *Section 20.09.120: Site Plan Review*, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;
 - (6) To aid and assist the Common Council and the Mayor in implementing the City's adopted Comprehensive Plan and in planning, developing, and completing specific projects;
 - (7) To review and report on any matters referred to it by the Common Council or the Mayor;
 - (8) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City to aid them in the performance of their respective duties relating to the planning and development of the City;
 - (9) To delegate responsibilities relating to ordinance administration and enforcement to the planning staff and to other appropriate executive departments and personnel;
 - (10) To review and approve or disapprove plats and replats of subdivisions;
 - (11) To supervise and make rules for the administration of the affairs of the Plan Commission, including but not limited to adopting and maintaining a schedule of uniform fees for permits, processes and official actions of the Common Council and the Planning Department;
 - (12) To prescribe uniform rules pertaining to investigations and hearings;
 - (13) To keep a complete record of all proceedings;

- (14) To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;
 - (15) To prepare, publish and distribute reports, ordinances and other materials relating to the activities authorized under this chapter;
 - (16) To adopt a seal;
 - (17) To certify to all official acts;
 - (18) To make recommendations to the Common Council or other bodies concerning any other matter within the jurisdiction of the Plan Commission, as authorized by the advisory planning law (IC 36-7-4: Local Planning and Zoning);
 - (19) To approve or delegate the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming;
 - (20) To authorize a Plat Committee pursuant to IC 36-7-4-701(e);
 - (21) To permit, require, modify and terminate commitments, and to hear appeals from Final Plan decisions by planning staff; as authorized elsewhere in *IC Title 36*; and
 - (22) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.
- (b) Membership, Term and Organization: The Plan Commission shall be composed as set forth in *Chapter 2.13: Plan Commission* of the Bloomington Municipal Code in accordance with Indiana statute.
- (c) Quorum and Official Action: No official action shall be taken by the Plan Commission without a quorum being present. A quorum is defined by IC 36-7-4-301 as a majority of the entire membership of the Plan Commission, who are qualified by IC 36-7-4-300 Series: Plan Commission Organization to vote. Official action of the Plan Commission requires authorization by a majority of the entire membership of the Plan Commission at a regular or special meeting.
- (d) Meetings—Hearings—Procedures:
- (1) Regular meetings of the Plan Commission shall be held as provided by the Plan Commission Rules of Procedure.
 - (A) All meetings and hearings of the Plan Commission shall be open to the public except when closed pursuant to the provisions of applicable State law.
 - (B) The Plan Commission shall adopt its own Rules of Procedure, subject to the limitations of the Indiana Code. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Plan Commission.
 - (2) Special meetings of the Plan Commission may be called as provided by IC 36-7-4-307.
- (e) Record: The transcript of testimony, if any; minutes; all applications, exhibits, and papers filed in any proceeding before the Plan Commission; the staff report; and the decision of the Plan Commission shall constitute the record. The record shall be maintained for public inspection in the Planning Department.
- (f) Decisions: Every recommendation or decision of the Plan Commission upon an application filed pursuant to this Unified Development Ordinance shall be repeated in the summary minutes prepared by the planning staff. Where required by law, such decisions shall include written findings of fact upon criteria used in making the decision. The minutes shall expressly set forth any limitations, commitments or conditions recommended or imposed by the Plan Commission.
- (g) Conflicts:
- (1) Pursuant to IC 36-7-4-223, a member of either the Plan Commission or the Common Council may not participate in a hearing or decision of the Plan Commission or Common Council concerning a zoning matter in which he has a direct or indirect financial interest. The Plan Commission or Common Council shall enter in its records the fact that its member has such a disqualification. As used in this section, “zoning matter” does not include the preparation or adoption of a Comprehensive Plan.
 - (2) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

Powers and Duties

20.01.380 Board of Zoning Appeals

- (a) Jurisdiction and Authority: The Board of Zoning Appeals shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance:
 - (1) To hear and decide upon applications for Development Standards Variances from this Unified Development Ordinance;
 - (2) To hear and decide upon applications for Use Variances from this Unified Development Ordinance;
 - (3) To hear and decide upon applications for Conditional Use permits;
 - (4) To establish or extend time limitations placed upon variances and Conditional Uses;
 - (5) To permit or require commitments under IC 36-7-4-921 as a condition of approval of a variance or Conditional Use;
 - (6) To hear and determine appeals from:
 - (A) Any order, requirement, decision, or determination made by an administrative office, Hearing Officer, or staff member under this Unified Development Ordinance;
 - (B) Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Unified Development Ordinance;
 - (C) Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Unified Development Ordinance requiring the procurement of a Certificate of Zoning Compliance or Certificate of Occupancy.
 - (7) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City, to aid them in the performance of their respective duties relating to this Unified Development Ordinance and its administration; and
 - (8) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.
- (b) Membership, Term and Organization: The Board of Zoning Appeals shall be composed as set out in *Chapter 2.15: Advisory Board of Zoning Appeals* of the Bloomington Municipal Code in accordance with Indiana statute.
- (c) Quorum and Official Action:
 - (1) Three (3) members shall constitute a quorum to conduct business.
 - (2) Three (3) concurring votes of the Board of Zoning Appeals membership shall be required for rendering a final decision on any matter.
- (d) Meetings and Procedures:
 - (1) Meetings of the Board of Zoning Appeals shall be conducted in accordance with the rules established by the Board of Zoning Appeals;
 - (2) The Board of Zoning Appeals shall adopt Rules of Procedure, which may not conflict with this Unified Development Ordinance, concerning the:
 - (A) Filing of appeals;
 - (B) Application for Use Variances, Development Standards Variances, and Conditional Uses;
 - (C) Giving of notice;
 - (D) Conduct of hearings; and
 - (E) Determination of whether a variance application is for a Use Variance or Development Standards Variance.
 - (3) The Board of Zoning Appeals may also adopt Rules of Procedure:
 - (A) Governing the creation, form, recording, modification, enforcement and termination of commitments.
 - (B) Designating those specially affected persons and classes of specially affected persons who are entitled to enforce commitments.
 - (4) Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all applicants and other interested persons.
- (e) Record: The transcript of testimony, if any; minutes; all applications, exhibits, and papers filed in any proceeding before the Board of Zoning Appeals; the staff report and the decision of the Board of Zoning Appeals shall constitute the record. The record shall be maintained for public inspection in the Planning Department.

Powers and Duties

- (f) Decisions: The Board of Zoning Appeals shall keep minutes of its proceedings and record the vote on all actions taken, which shall expressly set forth any limitations or conditions imposed. All minutes and records shall be filed in the office of the Board of Zoning Appeals and are public records. The Board of Zoning Appeals shall, in all cases heard by it, make written findings of fact.
- (g) Conflicts:
 - (1) A person shall not communicate with any member of the Board of Zoning Appeals before hearings with intent to influence the member's action on a matter pending before the Board of Zoning Appeals. A member who feels his or her impartiality has been compromised in this manner is allowed to disqualify himself or herself. The planning staff may, however, file with the Board of Zoning Appeals a written statement setting forth any facts or opinions relating to the matter no less than five (5) days before the hearing.
 - (2) A member of the Board of Zoning Appeals shall not participate in a hearing or decision of the Board of Zoning Appeals concerning a zoning matter in which he or she has a direct or indirect financial interest. The Board of Zoning Appeals shall enter in its records the fact that a member has such a disqualification and the name of the alternate member, if such an alternate member is appointed under *Section 2.15.030: Terms of the BMC*, who participates in the hearing or decision in place of the regular member.

20.01.390 Planning Department

- (a) Authority: Pursuant to *Chapter 2.14: Planning Department* of the Bloomington Municipal Code, the Planning Director or his designee, hereinafter referred to as "planning staff," shall be charged with the administration of this Unified Development Ordinance and, in particular, shall have the jurisdiction, authority and duties described in this chapter:
 - (1) To meet with and counsel those persons maintaining an interest in this Unified Development Ordinance, other questions of land use, and related City ordinances, plans and policies;
 - (2) To conduct Zoning Compliance Reviews regarding any permit pertaining to the alteration, erection, construction, reconstruction, moving, division, enlargement, demolition, use or maintenance of lands, buildings or structures, and to issue or refuse to issue Certificates of Zoning Compliance;
 - (3) To approve temporary uses requiring administrative approval;
 - (4) To review any Site Plan submitted for such review, which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurance for public improvements, and to make decisions or recommendations to the Plan Commission, as appropriate and as authorized in *Section 20.09.120: Site Plan Review*;
 - (5) To make written interpretations of permitted use and other specific provisions of this Unified Development Ordinance pursuant to the provisions of *Section 20.09.340: Administrative Interpretations*;
 - (6) To approve, or forward to the Plan Commission, applications for approval of Planned Unit Development Final Development Plans, which shall include authority to permit or require commitments and impose reasonable conditions, as authorized elsewhere in this Unified Development Ordinance;
 - (7) If authorized by the Plan Commission, to approve Final Plats of subdivisions pursuant to this Unified Development Ordinance; and
 - (8) To exercise such other powers and perform such other duties as are allowed by Indiana law.
- (b) Staff Assistance to the Board of Zoning Appeals and Plan Commission: The Planning Department shall make staff and consulting assistance available to the Board of Zoning Appeals and the Plan Commission, and to any Hearing Officer or Plat Committee as may be authorized by the Plan Commission in its rules, and shall in that capacity:
 - (1) Attend the meetings of each such body;
 - (2) Inform each such body of all facts and information at the Planning Department's disposal with respect to any matter brought before each such body;
 - (3) Assist each such body by performing research and making recommendations on matters brought before each such body; and
 - (4) Perform such other duties as may be assigned to the planning staff by this Unified Development Ordinance.

Powers and Duties

- (c) Records:
 - (1) The planning staff shall maintain permanent and current records of this Unified Development Ordinance, including all maps, amendments, Conditional Use, Site Plan, Variance and Planned Unit Development approvals and denials, interpretations, and decisions rendered respectively by the Board of Zoning Appeals, the Hearing Officer, the Plan Commission, the Plat Committee, and the planning staff, together with relevant background files and materials. The records shall be maintained for public inspection in the Planning Department.
 - (2) The City shall maintain a current geographic information system (GIS). All applicants shall have the affirmative duty to inform the Planning Department in writing of any errors in the GIS maps they receive or have access to as part of the application process.
- (d) Zoning Text and Map: The planning staff shall prepare and have available for examination in the Planning Department:
 - (1) The compiled text of this Unified Development Ordinance, including all amendments thereto; and
 - (2) The Official Zoning Map of this Unified Development Ordinance, showing the zoning districts, divisions and classifications, including all amendments thereto.
- (e) Receipt, Processing, and Referral of Applications: The planning staff shall receive all applications for any petition, permit or process required to be filed pursuant to this Unified Development Ordinance. Upon receipt of any such application, the planning staff shall see to its processing, which may include its prompt referral to and retrieval from each official, department, board or commission of the City or any other governmental unit or agency with any interest or duty with respect to such application.
- (f) Investigation of Application: Whenever the Plan Commission, the Board of Zoning Appeals, or the Common Council shall so request, by general rule or specific direction, the planning staff may conduct or cause to be conducted such surveys, investigations, and field studies and may prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be necessary and appropriate to the processing of any application filed pursuant to this Unified Development Ordinance.
- (g) Inspection and Enforcement: To ensure enforcement of this Unified Development Ordinance, the planning staff may initiate investigations and inspections as warranted, and may take all actions necessary and appropriate to abate and redress such violations, pursuant to the provisions of *Chapter 20.10: Enforcement and Penalties* of this Unified Development Ordinance.
- (h) New Technologies: The Planning Department shall be responsible for investigating and evaluating the feasibility of adopting new technologies, such as three-dimensional architectural computer modeling, that will enable it, other City departments, the Plan Commission, Board of Zoning Appeals, and Common Council to make better, more informed decisions about the visual impact that proposed developments will have on surrounding structures.

Powers and Duties

20.01.400 Hearing Officer

- (a) Authority: The Hearing Officer, as may be authorized in the Plan Commission Rules of Procedure, shall have authority to act upon those matters, if any, delegated by the Plan Commission pursuant to IC 36-7-4-923, which may include to approve or deny a:
 - (1) Development Standards Variance from this Unified Development Ordinance in accordance with IC 36-7-4-918.5; and
 - (2) Conditional Use under the terms of this Unified Development Ordinance in accordance with IC 36-7-4-918.2.
 - (3) Use Variance from this Unified Development Ordinance in accordance with IC 36-7-4-918.4. The Hearing Officer may consider Use Variances under the authority of this subdivision only if the Use Variance would allow all of the following:
 - (A) The expansion of a use currently existing on the property; and
 - (B) A use that is consistent with the Growth Policies Plan.
- (b) Procedures: The Hearing Officer shall review and hear applications pursuant to procedures adopted by the Plan Commission by rule in accordance with IC 36-7-4-923 and IC 36-7-4-924. Where feasible and permissible, those procedures shall allow for the consolidation and simultaneous review of approvals connected with applications relating to the same site.
- (c) Appeals: Any interested person may appeal a decision by the Hearing Officer to the Board of Zoning Appeals within fourteen (14) days after the decision is made.

20.01.410 Plat Committee

- (a) Authority: The Plat Committee, as may be authorized in the Plan Commission Rules of Procedure, shall have authority to act upon those matters, if any, delegated to it by the Plan Commission pursuant to IC 36-7-4-701(e), which may include approval or denial of:
 - (1) Preliminary Plats;
 - (2) Final Plats;
 - (3) Requests for vacation of plats or parts of plats.
- (b) Procedures: The Plat Committee shall review and hear applications pursuant to procedures adopted by the Plan Commission by rule.

Planning Documents

20.01.420 Growth Policies Plan (Comprehensive Plan)

- (a) Purpose: The purpose of the Comprehensive Plan, hereinafter referred to as the “Growth Policies Plan,” is to provide jurisdiction-wide policies to guide the major decisions of the City and other governmental entities within the planning jurisdiction, including zoning decisions and other land use related decisions. The Growth Policies Plan may include special focus components such as park, school, and public utility plans.
- (b) Relationship Between Growth Policies Plan and Unified Development Ordinance:
 - (1) The Growth Policies Plan is the principal land use policy document for the City’s planning jurisdiction. The Unified Development Ordinance is the primary implementing document of the Growth Policies Plan. Together, these documents establish guidelines and regulate land use within the planning jurisdiction.
 - (2) When considering amendments to the Unified Development Ordinance text and/or maps, the Plan Commission and Common Council shall pay reasonable regard to the recommendations of the Growth Policies Plan and any subsequent amendments.
- (c) Amendments to the Growth Policies Plan: The following procedure is established for review and amendment of the Growth Policies Plan.
 - (1) *Frequency*: The Plan Commission may recommend and the Common Council may determine the appropriate interval for a review, but such review should be conducted once every four (4) years.
 - (2) *Procedure*: Amendments to the Growth Policies Plan shall proceed pursuant to IC 36-7-4, Series 500.
- (d) Growth Policies Plan Incorporated Herein: The Growth Policies Plan, which includes the Master Thoroughfare Plan, the Alternative Transportation and Greenways System Plan, and all Subarea Plans, which include among others, the Downtown Vision and Infill Strategy Plan and The Plan for West Kirkwood, is hereby incorporated into and made a part of this Unified Development Ordinance. Two (2) copies of the Growth Policies Plan are on file and available for public inspection in the Office of the City Clerk.

20.01.430 Subarea Plans

- (a) Relationship of Subarea Plans to the Growth Policies Plan: Another type of policy plan which guides the decisions of the City is the Subarea Plan. Subarea Plans are amendments to the Growth Policies Plan, designed to more specifically address areas which are unique within the City and require a more deliberate approach to their proper development.
- (b) Adoption and Amendments to Subarea Plans: Adoption of and amendments to Subarea Plans shall follow the procedures for Comprehensive Plan adoption and amendment.

20.01.440 Thoroughfare Plan

The Thoroughfare Plan is a component of the Growth Policies Plan that:

- (a) Establishes functional classification of public ways;
- (b) Determines locations for new, extended, widened, or narrowed public ways;
- (c) Constitutes a criterion used by the Board of Zoning Appeals in the consideration of certain Conditional Use Permits;
- (d) Provides the planning staff guidance for Site Plan Reviews of projects near mass transit or alternative transportation facilities, including bike paths; and
- (e) Establishes conceptual road and bicycle/pedestrian networks for the purpose of right-of-way dedication and construction standards.

